

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JAMES PAULETT CHARLTON, JR.,

Plaintiff,

vs.

AGNES GREIG, FIRST HAWAIIAN
BANK, A CORPORATION; BANK OF
HAWAII, A CORPORATION; MAUI
LOAN INC., A CORPORATION;
RICHARD DAN, AN INDIVIDUAL;
RICHARD DAN, A SOLE
PROPRIETORSHIP; RICHARD DAN, A
SOLE PROPRIETORSHIP; CAROLYN
DAN, AN INDIVIDUAL; VALLEY ISLE
LOAN LLC, A HAWAII CORPORATION;
CASE LOMBARDI & PETTIT, A LAW
CORPORATION; DOES 1-20, 92 N
MARKET ST LLC,

Defendants.

CIV. NO. 22-00344 LEK-RT

**ORDER DENYING AS MOOT DEFENDANT FIRST HAWAIIAN BANK'S
AND DEFENDANT CASE LOMBARDI & PETTIT'S MOTIONS TO DISMISS**

Before the Court are: Defendant First Hawaiian Bank's Motion to Dismiss Plaintiff's First Amended Complaint Filed on August 29, 2022 [Dkt. 17], filed on December 9, 2022 ("FHB Motion"); and Defendant Case Lombardi & Pettit's Motion to Dismiss or Alternatively, for Summary Judgment, filed on December 21, 2022 ("Case Lombardi Motion"). [Dkt. nos. 41, 45.] On May 31, 2023, the Court issued its Order Granting: Defendant Grieg's Motion for Summary Judgment or, in the Alternative, Motion to Dismiss Plaintiff's First Amended Complaint Filed on

August 29, 2022; the Maui Loan Defendants' Motion for Judgment on the Pleadings; and the Joinders of Simple Agreement in the Motions ("5/31 Order"). [Dkt. no. 66.¹]

In the 5/31 Order, judgment on the pleadings was granted in favor of Defendants Maui Loan Inc., Richard Dan, Kamaaina Loan, and Maui Pawn Shop (collectively "Maui Loan Defendants") as to pro se Plaintiff James Paulett Charlton, Jr.'s ("Charlton") claim asserting violations of the Securities Act of 1933, 15 U.S.C. § 77a, *et seq.* ("Count I"), and leave to amend was denied. See 5/31 Order at 19; see also First Amended Complaint for: I) Violations of Securities Act of 1933, etc., filed 8/29/22 (dkt. no. 17) ("Amended Complaint"), at pgs. 9-10. The remaining portions of Count I were dismissed with prejudice. See 5/31 Order at 15-16. The other counts alleged in Charlton's Amended Complaint are state law claims, and they were dismissed because this Court declined to exercise supplemental jurisdiction over them. See id. at 18-19. Thus, there are no claims remining in this case, and it is not necessary for this Court to address the arguments raised in the FHB Motion and the Case Lombardi Motion.

Based on the foregoing, the FHB Motion and the Case Lombardi Motion are HEREBY DENIED AS MOOT. The Clerk's Office

¹ The 5/31 Order is also available at 2023 WL 3743188.

is DIRECTED to enter judgment in favor of the defendants,
pursuant to the 5/31 Order, on **June 16, 2023**, unless Charlton
files a timely motion for reconsideration of either the 5/31
Order or the instant Order.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, June 1, 2023.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

JAMES PAULETT CHARLTON, JR. VS. AGNES GREIG, ET AL; CV 22-00344
LEK-RT; ORDER DENYING AS MOOT DEFENDANT FIRST HAWAIIAN BANK'S
AND DEFENDANT CASE LOMBARDI & PETTIT'S MOTION TO DISMISS